



# EMPLOYMENT TRIBUNALS

Claimant

Respondent

v

Miss R Preece

Barchester Healthcare Limited

**Heard: In Hull**

**On: 10 March 2025**

**Before: Employment Judge JM Wade**

**Appearance:**

**For the Claimant:**

**No attendance**

**For the Respondents:**

**Mr Singh**

## JUDGMENT

The claimant's complaints of breach of regulation 5(A)(1)(a) of the Working Time Regulations and detriment pursuant to Section 45A(f) of the Employment Rights Act 1996 are dismissed pursuant to Rule 47 upon the claimant's failure to attend or be represented at today's 10am hearing.

## REASONS

1 The claimant worked from 2022 to 2023 at the respondent's Lindum House. She was 17 when she commenced her role as a kitchen assistant. It is accepted that on occasions from autumn 2022 until May 2023 the claimant undertook some shifts in excess of eight hours. She raised the issue of limits on working hours for under eighteens and her duties were adjusted.

2 About five months after her employment ended the claimant contacted ACAS for conciliation on 15 April 2024 and a certificate was issued on 19 April 2024 with her claim issued the same day. On the respondent's case the time limit for bringing her complaints appeared to expire in August 2023 or worst case, 1 January 2024.

3 A preliminary hearing in November 2024 directed this public preliminary hearing to decide the time limit issue. This would have involved me assessing whether it was reasonably practicable for the claims to have been presented within the appropriate time limit.

4 There have been at least three attempts by the respondent's solicitors between that preliminary hearing and today's hearing to liase or chase the claimant about the Orders to prepare for today. There has not been any response and no contact from her and no compliance with the Orders. Our clerk also telephoned the claimant today with no response.

5 There are a number of explanations: change of phone number, or email address, or that something untoward has happened. Much more likely, and the impression from the file, is that the claimant has decided there are better ways to spend her time.

6 The time limit issue is a difficult one for her claim, but I acknowledge that her age and health would play their part if the matter came to be determined on hearing her evidence. Proceeding with the hearing and determining that issue without her evidence would not be in the interests of justice, it seems to me, and that was not pursued by the respondent.

7 Equally it is not fair for the respondent to have the uncertainty of these proceedings continuing if, as appears likely from the chain of events, the claimant has abandoned them.

8 There has been no postponement application. If there is a very good reason for the claimant's failures to comply with orders and attend (or to request a postponement), then she can apply to reconsider this judgment. Generally, the interests of justice are served by a Rule 47 dismissal.

*JM Wade*

Employment Judge JM Wade

Dated: 10 March 2025

All judgments (apart from those under rule 52) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.